

United States Bankruptcy Court for the:

Eastern District of Texas

Case number (if known): Chapter 11

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/24

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Kodiak Excavation and Utilities, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 61-1755663

4. Debtor's address

Principal place of business

4000 N White Chapel Blvd

Number Street

Southlake TX 76092

City State ZIP Code

Denton County

County

Mailing address, if different from principal place of business

Number Street

P.O. Box

City State ZIP Code

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))☐ Partnership (excluding LLP)☐ Other. Specify:

Debtor Kodiak Excavation and Utilities, LLC
Name
Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☐ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.naics.com/search/>.

2389

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725 (amount subject to adjustment on 4/01/25 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and it chooses to proceed under Subchapter V of Chapter 11.
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No

☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY
District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☐ No

☒ Yes. Debtor Oryx Oilfield Services, LLC Relationship Affiliate
District Eastern District of Texas When _____
Case number, if known _____
MM / DD / YYYY

List all cases. If more than 1, attach a separate list.

Debtor Kodiak Excavation and Utilities, LLC
Name _____ Case number (if known) _____

11. Why is the case filed in *this* district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other _____

Where is the property?

Number _____ Street _____

City _____ State _____ ZIP Code _____

Is the property insured?

- ☐ No
- ☐ Yes. Insurance agency _____
- Contact name _____
- Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor Kodiak Excavation and Utilities, LLC
Name Case number (if known)

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/12/2024
MM / DD / YYYY

X /s/ Matthew J. Mahone
Signature of authorized representative of debtor
Title Managing Member

Matthew J. Mahone
Printed name

18. Signature of attorney

X /s/ Frank Wright
Signature of attorney for debtor

Date 07/12/2024
MM / DD / YYYY

Frank Wright
Printed name

Law Offices of Frank J. Wright, PLLC
Firm name

1800 Valley View Lane 250

Number	Street	TX	75234
<u>Farmers Branch</u>	<u></u>	State	ZIP Code

<u>214-238-4153</u>	<u>frank@fjwright.law</u>
Contact phone	Email address

<u>22028800</u>	TX
Bar number	State

Debtor _____ Case number (if known) _____
First Name Middle Name Last Name

Continuation Sheet for Official Form 201

10) Pending Bankruptcies

**Oryx Oilfield Eastern District
Holdings, LLC of Texas**

**Kodiak Trenching & Eastern District
Boring, LLC of Texas**

Fill in this information to identify the case:

Debtor name Kodiak Excavation and Utilities, LLC

United States Bankruptcy Court for the: Eastern District of Texas

Case number (If known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Georgia Department of Revenue / Tax Payer Services Division PO BOX 740321 Atlanta, GA, 30374		Taxes & Other Government Units				1,394,510.99
2	Cumming Construction Management, Inc 25220 Hancock Ave Suite 440 Murrieta, CA, 92562		Suppliers or Vendors				151,362.97
3	Texas First Rentals PO Box 650869 Dallas, TX, 75265		Suppliers or Vendors				140,638.69
4	Sunbelt Rentals PO Box 409211 Atlanta, GA, 30384		Suppliers or Vendors				73,709.97
5	Tractor & Equipment PO BOX 12326 Birmingham, AL, 35202-2326		Suppliers or Vendors				62,097.57
6	Netcom 3150 Premier Dr. Suite 116 Irving, TX, 75063		Suppliers or Vendors				27,267.59
7	Ramey & Flock 100 East Ferguson St. Suite 500 Tyler, TX, 75702		Services				606.00
8	Thompson Pipegroup 800 CR 209 Dallas, TX, 76009		Suppliers or Vendors				0.00

Debtor Kodiak Excavation and Utilities, LLC
Name

Case number (if known)

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	Holt Cat 2000 E Airport Freeway Irving, TX, 75062		Suppliers or Vendors				0.00
10	Gulf Coast Grouting, Inc PO Box 1149 Huffman, TX, 77336-11494		Suppliers or Vendors				0.00
11	Carson Law Group, PLLC 125 S Congress St #1336 Jackson, MS, 39201		Services				0.00
12	Gray Reed 1300 Post Oak Boulevard Suite 2000 Houston, TX, 77056		Services				0.00
13	First Midwest Equipment Finance Co. 520 N Cass Ave. Westmont, IL, 60559		Monies Loaned / Advanced				0.00
14	Internal Revenue Service PO BOX 145595 MC 8420G CINCINNATI, OH, 45250		Taxes & Other Government Units				0.00
15	Georgia Department of Labor 148 Andrew Young International Blvd NE Suite 752 Atlanta, GA, 30303		Taxes & Other Government Units				0.00
16	Georgia Department of Labor 19 Felton Place Cartersville, GA, 30120		Taxes & Other Government Units				0.00
17							
18							
19							
20							

BTH Bank
6657 OLD JACKSONVILLE HIGHWAY
TYLER, TX 75703

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101

Carson Law Group, PLLC
125 S Congress St
Jackson, MS 39201

Komatsu Financial Limited Partnership
1701 GOLF RD
STE 1-300
ROLLING MEADOWS, IL 60008

Cowin Equipment
5710 Riverview Road SE
Mableton, GA 30126

Netcom
3150 Premier Dr.
Suite 116
Irving, TX 75063

Cumming Construction Management, Inc
25220 Hancock Ave
Suite 440
Murrieta, CA 92562

Office of the US Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

First Midwest Equipment Finance Co.
520 N Cass Ave.
Westmont, IL 60559

Ramey & Flock
100 East Ferguson St.
Suite 500
Tyler, TX 75702

Georgia Department of Labor
19 Felton Place
Cartersville, GA 30120

Sunbelt Rentals
PO Box 409211
Atlanta, GA 30384

Georgia Department of Labor
148 Andrew Young International Blvd
NE Suite 752
Atlanta, GA 30303

Texas Comptroller of Public Accounts
111 E. 17th St
Austin, TX 78774

Georgia Department of Revenue / Tax Payer Ser
PO BOX 740321
Atlanta, GA 30374

Texas First Rentals
PO Box 650869
Dallas, TX 75265

Gray Reed
1300 Post Oak Boulevard
Suite 2000
Houston, TX 77056

The Hanover Insurance Company
440 Lincoln St
Worcester, MA 01653

Gulf Coast Grouting, Inc
PO Box 1149
Huffman, TX 77336-11494

Thompson Pipegroup
800 CR 209
Dallas, TX 76009

Holt Cat
2000 E Airport Freeway
Irving, TX 75062

Tractor & Equipment
PO BOX 12326
Birmingham, AL 35202-2326

Internal Revenue Service
PO BOX 145595
MC 8420G
CINCINNATI, OH 45250

U.S. Department of Labor
525 S. Griffin St.
Suite 707
Dallas, TX 75202

United States Bankruptcy Court
Eastern District of Texas

In re: Kodiak Excavation and Utilities, LLC

Case No.

Chapter 11

Debtor(s)

Verification of Creditor Matrix

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 07/12/2024

/s/ Matthew J. Mahone

Signature of Individual signing on behalf of debtor

Managing Member

Position or relationship to debtor